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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

CARMEN L. McFERRIN, as)	
Personal Representative of the)	Cause No.
Estate of GREGORY B. McFERRIN)	
and CARMEN L. McFERRIN,)	
Individually,)	NOTICE OF REMOVAL
)	
Plaintiffs,)	
)	
-vs-)	
)	
MUHAMMAD "WALEED" KHAN,)	
)	
Defendant.)	
_____)	

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1441,
Defendant Muhammad "Waleed" Khan, by his attorneys, files this Notice
of Removal of the above-captioned action from the Montana First Judicial

District Court, Broadwater County, State of Montana, and gives notice thereof in accordance with 28 U.S.C. §1446 upon the following grounds:

1. Civil Action Cause No. DV-15-43 entitled *Carmen L. McFerrin, As Personal Representative of the Estate of Gregory B. McFerrin and Carmen L. McFerrin, Individually*, was commenced against Muhammad “Waleed” Khan in the First Judicial District Court of the State of Montana, in the County of Broadwater on October 5, 2015. Copies of the Complaint and Acknowledgment of Service in that action are attached hereto as Exhibit A.

2. Other than the documents attached as Exhibit A, Defendant has not been served with any other pleadings, papers or orders in this action.

3. Defendant, by and through prior counsel, signed an Acknowledgment of Service on October 23, 2015.

4. This Notice of Removal is timely pursuant to the requirements of 28 U.S.C. §1446(b).

5. The above-captioned action is a civil action over which this Court would have jurisdiction pursuant to 28 U.S.C. §1332(a)(1), because there is complete diversity of citizenship between the parties. Plaintiffs are

citizens of the State of Montana. Defendant is a citizen of the State of California.

6. Defendant has not filed any pleadings or papers in this action as of the date of this Notice of Removal. Pursuant to Fed. R. Civ. P. 81(c)(2)(C), Defendant will file its Answer or present other defenses within 7 days after the filing of this Notice of Removal.

7. Plaintiffs' Complaint alleges claims for negligence, wrongful death and survivorship.

8. This action is one over which this Court has original jurisdiction under the provision of 28 U.S.C. § 1332 and is one which may be removed by the Defendant pursuant to the provision of 28 U.S.C. § 1441. This Court has jurisdiction because this is a civil action in which the matter in controversy exceeds the sum or value of Seventy-Five Thousand and No/100 Dollars (\$75,000.00), exclusive of interest and costs, and is between citizens of different states. Thus, removal is proper under 28 U.S.C. § 1441(b).

9. The representation of the amount of controversy being in excess of Seventy-Five Thousand and No/100 Dollars (\$75,000.00) is premised upon the allegations of Plaintiffs' Complaint.

10. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal will be given to counsel for Plaintiffs, and a copy of the Notice of Removal will be filed with the Clerk of the Montana First Judicial District Court, Broadwater County.

WHEREFORE, Defendant respectfully provides notice of the removal of this action from the First Judicial District Court, Broadwater County, State of Montana, to the United States District Court for the District of Montana, Helena Division.

DATED this 9th day of November, 2015.

By: /s/ P. Brad Condra
P. Brad Condra

MILODRAGOVICH, DALE
& STEINBRENNER, P.C.
Attorneys for Defendant